



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



378527

MAR 15 2010

REPLY TO THE ATTENTION OF:

SE-5J

Community Improvement Corporation of Jackson County
408 Redondo Drive
Jackson, Ohio 45640-2047

Attention: Mr. Harold A. Howe, President

Re: Request for Information Pursuant to Section 104 of the Comprehensive
Environmental Response, Compensation, and Liability Act for the Meridian
Automotive Systems Site in Jackson, Jackson County, Ohio

Dear Mr. Howe:

The U.S. Environmental Protection Agency seeks your cooperation in providing information and documents relating to the contamination of the Meridian Automotive Systems Superfund Site in Jackson, Jackson County, Ohio (Site). We encourage you to give this matter your immediate attention and that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within 30 days of your receipt of this letter. Instructions on how to respond to the questions in Attachment B are described in Attachment A.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of these substances, and identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you might possess information which may assist the Agency in its investigation of the Site.

On October 28-29, 2009, EPA conducted a site assessment at the request of the Ohio EPA and observed 12 sub-floor pits containing about 18,203 gallons of combustible oil wastes; 66 drums containing about 1,886 gallons of abandoned products and wastes; 45 tanks containing about 807 gallons of abandoned product and wastes; 504 small containers including corrosives, flammables, poison; laboratory containers; and other wastes. Analytical results from samples collected in conjunction with this site assessment identified ignitable hazardous wastes within two drums and one tank; elevated concentrations of styrene in liquids within pits, drums, and tanks; and high levels of total volatile organic compounds at the open bung of one of these drums. Significant fire risk exists due to the large volume of oil waste and containers of flammable hazardous waste, and also due to the potential for vandalism. EPA mobilized to the Site in January 2010 to initiate a removal action to remove the threats to human health and the

environment. That action is ongoing.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site, or who may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

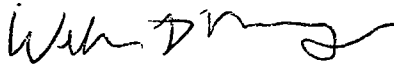
Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Sally Jansen, Enforcement Specialist
Emergency Enforcement Services Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact On-Scene Coordinator Lori Muller at (440) 250-1735. If you have specific questions about the Information Request, please contact Sally Jansen at (312) 353-9046.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read "William D. Messenger", with a stylized flourish at the end.

William D. Messenger
Chief
Emergency Enforcement Services Section

Enclosures

ATTACHMENT A

MERIDIAN AUTOMOTIVE SYSTEMS SITE JACKSON, JACKSON COUNTY, OHIO

INSTRUCTIONS AND DEFINITIONS FOR INFORMATION REQUEST TO COMMUNITY IMPROVEMENT CORPORATION OF JACKSON COUNTY

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Each Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "**documents**" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
4. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
5. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
7. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
8. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in

reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

9. The term "**real estate**" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

10. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The term "**Site**" shall mean the Meridian Automotive Systems Superfund Site located at 1020 East Main Street in Jackson, Jackson County, Ohio,

12. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

13. The term "**you**" or "**Respondent**" shall mean Community Improvement Corporation of Jackson County (CIC). The term "you" also includes any officer, managers, employees, contractors, trustees, successors, assigns, and agents of CIC.

ATTACHMENT B

MERIDIAN AUTOMOTIVE SYSTEMS SITE JACKSON, JACKSON COUNTY, OHIO

REQUESTS

1. **Identify** all **persons** consulted in the preparation of the answers to these Information Requests.
2. Identify all **documents** consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If **you** have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request, or who may be able to provide additional responsive documents, identify such persons.
4. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the **release** or threat of release of **hazardous substances, pollutants, or contaminants**, and damages resulting therefrom.
5. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, or by prior owners and/operators.
6. With respect to the Site, did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or **materials**? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
 - b. Who supplied you with such hazardous substances;
 - c. How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;
 - d. When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;
 - e. Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you; and
 - f. The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

7. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the Site or facility (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance). Include any and all policies providing the Respondent with insurance for loss or damage to the Site property from the time CIC first owned the Site.
8. To the extent not provided in Question 7 above, provide copies of all insurance policies that may potentially provide the Respondent with insurance for bodily injury or property damage in connection with the Site and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability). Include, without limitation, all primary, excess, and umbrella policies.
9. If there are any such policies from Questions 7 or 8 above of which you are aware but have no copies, identify each such policy to the best of your ability by identifying:
 - a. The name and address of each insurer and of the insured;
 - b. The type of policy and policy numbers;
 - c. The per occurrence policy limits of each policy; and
 - d. The effective dates for each policy.
10. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated as identified in Question 7, and identify the time period during which such broker or agent acted in this regard.
11. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the Site. Include any responses from the insurer with respect to any claims.
12. Identify any previous settlements with any insurer in connection with the Site, or for any claims for environmental liabilities during the time period in questions. Include any policies surrendered or cancelled by the Respondent or insurer.
13. Identify any and all insurance, accounts paid, or accounting files that identify Respondent's insurance policies.
14. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years, including all attachments and schedules.
15. If Respondent is a corporation, respond to the following requests:
 - a. Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

- b. Provide Respondent's audited financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service. If audited financial statements are not available, please state the reasons that they are not available, and provide the financial statements that management would review at the conclusion of each fiscal year.
 - c. Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.
 - d. Provide a list of any investments that the Corporation may own. For example, any ownership in stock should list Corporate name, number of shares owned, and price at a current specific date. Ownership of **real estate** should itemize property location, type of property (land, office building, factory, etc.), size of property, purchase price, and current market valuation. These schedules should agree with financial statement presentations.
16. If Respondent is a Partnership, provide copies of the Partnership Agreement.
17. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.
18. State the dates during which you owned, operated, or leased the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease **arrangement** (e.g., deeds, leases, etc.), including the lease to Meridian Automotive Systems or any related entity.
19. EPA has information that CIC secured a loan of approximately \$800,000 for a lease buyout in 2008.
- a. Identify the person from whom CIC purchased the lease;
 - b. Explain the purpose for this transaction;
 - c. Identify the person from whom CIC received the loan;
 - d. Identify all collateral provided by CIC or any other entity for the loan; and
 - e. State the term of the loan, the source of the revenue CIC is using to pay off the loan, and the payment plan CIC is following to pay back the loan.
20. Identify the prior owners of the Site. For each prior owner, further identify:
- a. The dates of ownership;
 - b. All evidence showing that they controlled access to the Site; and

- c. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at the Site during the period that they owned the Site.
21. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:
- a. The dates of operation;
 - b. The nature of prior operations at the Site;
 - c. All evidence that they controlled access to the Site; and
 - d. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.
22. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:
- a. When such releases occurred;
 - b. How the releases occurred;
 - c. The amount of each hazardous substances, pollutants, or contaminants so released;
 - d. Where such releases occurred;
 - e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
 - g. All persons with information relating to these releases.
23. Was there ever a spill, leak, release, or discharge of hazardous materials into any subsurface disposal system or floor drain inside or under the Site building? If the answer to the preceding question is anything but an unqualified "no," identify:
- a. Where the disposal system or floor drains were located;
 - b. When the disposal system or floor drains were installed;

- c. Whether the disposal system or floor drains were connected to pipes;
- d. Where such pipes were located and emptied;
- e. When such pipes were installed;
- f. How and when such pipes were replaced, or repaired; and
- g. Whether such pipes ever leaked or in any way released hazardous materials into the environment.

24. Did any leaks, spills, or releases of hazardous materials occur on the Site when such materials were being:

- a. Delivered by a vendor;
- b. Stored (e.g., in any tanks, drums, or barrels);
- c. Transported or transferred (e.g., to or from any tanks, drums, barrels, or recovery units); or
- d. Treated.

25. Identify Respondent's policy with respect to document retention.



Re: MAS - Jackson, Ohio: CIC Information Request for signoff 

Lori Muller to: SALLY JANSEN

03/11/2010 07:35 AM

Cc: Eileen Furey

Sally,

The documents looked complete and accurate to me.

I'll be interested to see some of the responses, especially the ones about financials.

Thanks,
Lori

Lori B. Muller
On-Scene Coordinator
USEPA - Region 5
25089 Center Ridge Rd. (ME-W)
Westlake, OH 44145
440-250-1735 - office

SALLY JANSEN

Hi, Lori - Attached is the Information Request to...

03/10/2010 07:25:00 PM

From: SALLY JANSEN/R5/USEPA/US
To: Lori Muller/R5/USEPA/US@EPA
Cc: Eileen Furey/R5/USEPA/US@EPA
Date: 03/10/2010 07:25 PM
Subject: MAS - Jackson, Ohio: CIC Information Request for signoff

Hi, Lori -

Attached is the Information Request to Community Involvement Corporation of Jackson County that is going through signoff. Please let me know if you have comments, or if you approve of the Information Request.

Also, I will alert Harold Howe about the letter by phone before I send it

Thanks, Lori.

Sally (312) 353-9046

[attachment "SIGNOFF CVR LTR.doc" deleted by Lori Muller/R5/USEPA/US] [attachment "SIGNOFF ATT A.doc" deleted by Lori Muller/R5/USEPA/US] [attachment "SIGNOFF ATT B.DOC" deleted by Lori Muller/R5/USEPA/US]